



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS, RECOMMENDATION AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3019997
Council File Number: 314324
Applicant Name: Craig Belcher, for Brooklyn 50 LLC
Addresses of Proposals: 5001 Brooklyn Avenue NE

SUMMARY OF PROPOSED ACTIONS

Council Land Use Action to rezone a 5,008 sq. ft. portion of land from LR3 to NC3-65'. Project includes construction of a seven story, 60 unit apartment building with 1,500 sq. ft. of ground floor retail space. Review includes demolition of existing structure on site.

The following approvals are required:

Contract Rezone – Rezone one parcel of land containing 5,008 square feet of land from LR3 to NC3-65 (SMC Section 23.34.004).

Design Review - Seattle Municipal Code (SMC Section 23.41)

SEPA - Environmental Determination (SMC 25.05)

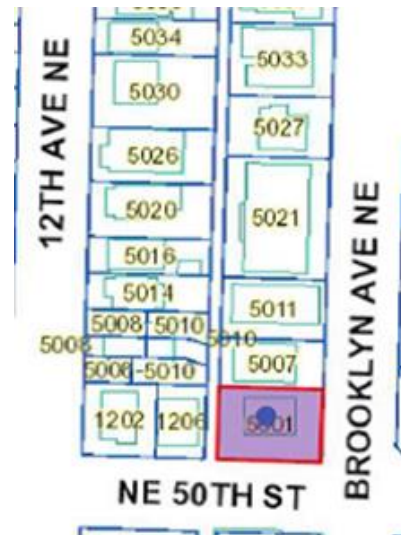
SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

PROJECT DESCRIPTION

The applicant proposes a contract rezone from LR3 to NC3-65' on land totaling 5,008 square feet. The site is composed of platted lot 10 and the southerly 10 feet of platted lot 9, Block 11 of University Heights Addition to the City of Seattle. These lots have been reconfigured into a single parcel, #8817400180, which comprises the “rezone area” being discussed. Currently the site is occupied by a two-story, wooden framed structure designated as a “triplex.” A specific development is proposed for the lot area, Master Use Permit Application (MUP #3019997). In addition to the rezone analysis and recommendation for the site, the proposal includes design review and environmental review and determination for a seven story mixed-use building. A Property Use and Development Agreement (PUDA) would delimit the development allowed on the site to be rezoned.



Current adjacent zoning to the north and west is multifamily (LR3). Zoning to the east, across Brooklyn Avenue NE, is LR3 RC. Zoning to the south, from the centerline of NE 50th Street, is Neighborhood Commercial 3 with a 65-foot height limit (NC3-65'). As noted, the entire area of the proposed contract rezone would undergo new development with the construction of a new 7-story mixed use structure and attendant right-of-way improvements. The area proposed for the rezone is co-extensive with the area subject to the Design Review component.

The proposed mixed use structure will be bounded on the west by an alley (currently 10-feet in width, but by Code to be widened to 15 feet), Brooklyn Avenue NE on the east, and NE 50th Street on the south. 3rd Avenue on the east and E. Union Street on the south. The proposed building will accommodate 60 residential units, with 1,191 square feet of ground floor retail space. No parking of motorized vehicles is proposed, but 47 onsite bicycle stalls will be provided.

SITE & VICINITY

The development site is occupied by a single structure which will be demolished. The site is generally flat, with a slight slope of perhaps four feet along NE 50th Street from west to east. The site contains no environmentally hazardous areas. The site lies in what has been historically identified as the northern stretches of *The University District* and currently designated for planning purposes as the University District Northwest Urban Center Village Overlay.

PUBLIC COMMENT

The comment period for this proposal ended on October 4, 2015. The City received 9 written comments regarding the project during the initial public comment period. Public comment was also solicited at each of the Design Review meetings and specific comments are included under the Design Review analysis discussed below. While addressing other aspects of the proposal, for example, the undesirability of retaining the “exceptional” European beech tree, none of these comments directly addressed the specifics or the appropriateness of the rezone.

ANALYSIS – REZONE

Property Legal Description

Assessor Parcel No. 8817400180.

Being, the south 10 feet 0f Lot 9 and all of Lot 10, block 11, Assessor's Plat of University Heights, according to the plat thereof recorded in Volume 16 of Plats, page 70, records of King County, Washington. SITUATE in the County of King, State of Washington.

In order to obtain a rezone, the applicant must demonstrate that the proposed rezone meets the applicable criteria of the Seattle Municipal Code (23.34.007). Compliance with that section of the Code requires analyses of the following sections of the Code:

- SMC 23.34.004, Contract Rezones
- SMC 23.34.008, General Rezone Criteria
- SMC 23.34.020, Lowrise 3 (LR3) zone, function and locational criteria
- SMC 23.34.072, Designation of Commercial Zones
- SMC 23.34.078 Neighborhood Commercial 3 (NC3) zones, function and locational criteria
- SMC 23.34.009, Height Limits of the proposed rezone

The rezone analysis will begin with a description of the applicant's proposal and conclude with a brief weighing of the appropriateness of the proposed rezone against the appropriateness of the existing zoning designation.

SMC 23.34.004 Contract Rezones.

A. Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery and recording of an agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned to self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the amendment. A rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.

The proposal is for a contract rezone in which development would be controlled by a Property Use and Development Agreement (PUDA). The PUDA would restrict the development of the property proposed for rezone to the structure and improvements approved through the Design Review process, a summary and analysis of which is included below. The approved design includes, but is not limited to, the design of the proposed structure, its location on the site, the height of the proposed structure, building materials, landscaping, street improvements, parking design, location and layout, public benefit features, signage, and site lighting and is documented in the approved plan sets for MUP #3019997.

B. Waiver of Certain Requirements. The ordinance accepting the PUDA may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted which would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

No waivers are being requested or are necessary as part of the contract rezone. Departures from Code standards have been addressed through the Design Review process.

SMC 23.34.007 Rezone evaluation.

A. The provisions of this chapter apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

This section requires the consideration of all applicable rezone criteria with no single criterion being the determining factor. The conclusion at the end of the Rezone Analysis summarizes the detailed analysis.

C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.060.B3.

D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.

The subject property is located within the University District Northwest Urban Center Village. The adopted growth targets for this Urban Center Village in the current Comprehensive Plan have been established in the Comprehensive Plan and the proposal will be subject to the sections of SMC Chapter 23.34 pertaining to Urban Villages.

E. The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.

The proposal is not located within any shoreline environment.

F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.

This application is not for a mapping error due to cartographic or clerical mistakes.

SMC 23.34.008 - General Rezone Criteria

A. To be approved a rezone shall meet the following standards:

1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

The project site is located in the University District Northwest Urban Center Village. The Urban Village Center Element of the Seattle Comprehensive Plan has targeted this Urban Center Village to receive 2000 additional households, with a target density of 25 households per acre by 2024. The proposed rezone would slightly increase the zoned capacity for the project site and for the Urban Center as a whole. It would not reduce capacity below 125% of the Comprehensive Plan growth targets, essentially allowing the addition of 60 residential units to the Urban Village. The additional residential units would contribute to achieving the goal of realizing the growth targets and densities of the plan.

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.

The project site is located within the University District Northwest Urban Center Village. The Urban Center Village Element of the Seattle Comprehensive Plan has earlier targeted this Urban Center Village to receive an increase of 2000 households. The proposed rezone of this development site will increase zoned capacity, increasing the zoned capacity of the University District Northwest Urban Village and its ability to achieve its targeted population goals.

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

The property is currently zoned Lowrise Multifamily (LR3). The proposed change is to rezone the property to Neighborhood Commercial with a 65-foot height limit (NC3-65), which would match Seattle DCI's current zoning recommendation for the area. (See the functional and location criteria analyses for the relevant zones which follows below.)

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The parcel under consideration for a rezone has been consistently zoned multifamily residential since 1947 to the present. Prior to that, from 1923 until 1947, the site was zoned Business/Commercial District. The property was zoned "Second Residence District" between 1947 and

1957, “RM” (multiple Residence) from 1957 to 1982, and “L3” (Residential, multi-family, Lowrise 3) from 1982-2011, at which time, by Ordinance 23495, the designation was changed to “LR3” (Residential, multi-family, Lowrise 3).

Seattle DCI has most recently proposed, as a part of a larger rezone of the University District, a legislative rezone to NC3-65 of a broader area of the University District Northwest Urban Center Village which includes this site. The Future Land Use Map (FLUM) and Comprehensive Plan have been amended in anticipation of the legislative rezone.

D. Neighborhood Plans.

1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.

The project site lies within the planning area of the University Community Urban Center (UCUC) neighborhood plan which was adopted by the City Council in 1998. The UCUC plan is proposed to be amended along with Seattle DCI’s rezone efforts.

2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.

The current neighborhood plan specifies zoning heights in specific areas. The subject property is located in an area designated as “low rise residential emphasizing ground related units” with a preferred height of 2-3 stories. The plan states, however, that “these goals and policies of the UCUC neighborhood plan are not intended to change the policy basis for consideration of rezones proposed after adoption of these goals and policies.” There are no other references or policies addressing rezones or height or density in the UCUC plan.to

3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.

Although the proposed neighborhood plan, not yet been adopted by the City Council, does propose a rezone of the subject site, the UCUC neighborhood plan, adopted in 1998, does not provide for rezones of particular sites or areas.

4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.

The 1998 UCUC neighborhood plan is the applicable plan to this proposal, as it is the plan that has been adopted by the City Council. It does not identify any rezones of the property. The proposed University District Neighborhood Plan would delete the map showing the area designated as “low rise residential” and would amend the Future Land Use Map (FLUM) to change the subject property from “multifamily” to “mixed use/commercial.” The proposed University District Neighborhood Plan is available by using the following link:

http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/p2307053.pdf

It should be noted that the University District Neighborhood Plan amendment and the amendment of the Future Land Use Map associated with the plan amendment were not necessary in order for the proposed contract rezone of a single parcel to move forward (see Comprehensive Plan Land Use Policy 2 that states FLUM amendments are only required when significant changes to the function of a large area are proposed).

E. Zoning Principles. The following zoning principles shall be considered:

- 1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*

Currently, the subject property is adjacent to LR3 zoning to the north and across the alley from LR3 zoning to the west. In the legislative action proposed by Seattle DCI, both the subject property and the property directly to the north would be included within the NC3-65 zone, and the commercial zone would not require any setbacks along the common property line. While the proposed design sets two thirds of the proposed structure next to the north property line, it provides a courtyard for the exceptional European beech tree. This provides for at least a 20-foot setback from the north property line along a full third of the structure. The entire block across Brooklyn Avenue NE to the east is zoned LR3/RC. It is occupied by the University Heights Community Center and separated from the site by Brooklyn Avenue NE, classified as a Collector Arterial. NE 50th Street, which borders the subject property on the south, is a Principal Arterial.

- 2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*

- a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*

There are no natural features that provide separation between different uses and intensities of development.

- b. Freeways, expressways, other major traffic arterials, and railroad tracks;*

Brooklyn Avenue NE, directly east of the site, is classified as a Collector Arterial. NE 50th Street which borders the subject property on the south is classified as a Principal Arterial.

- c. Distinct change in street layout and block orientation;*

The subject property is framed on three sides by distinct right-of-way conditions. To the south, NE 50th Street is a Principal Arterial street and the main east/west commercial street north of NE 45th Street. Brooklyn Avenue NE, located to the east, is classified as a Collector Arterial and developed primarily with multi-family structures on its west side. On the east side of the street is an institutional use (community center), located within a landmarked structure (University Heights School). The historic building is surrounded by landscaping and parking, with the entire historic site enclosed within an architectural iron fence. To the west is an alley that connects NE 50th Street to NE 52nd Street, the next street to the north.

The approved plans that would materially constitute the contract rezone, as approved by the Design Review Board, indicate a retail/ commercial use with an entry oriented to the corner of

NE 50th and Brooklyn Avenue NE and a commercial front located along NE 50th. The proposed residential entry would be located further north of Brooklyn Avenue NE, re-enforcing the residential character of that frontage. These distinct characteristics make the site extremely well suited for mixed-use street-level commercial combined with residential development without causing negative impacts to the surrounding pattern, character, traffic flow or block orientation.

d. *Open space and greenspaces.*

The layout of the University Heights community center property, with the building centered on the property and surrounded by significant “yards,” has been responded to with the design of the subject property with its courtyard and large “exceptional” tree facing onto it across Brooklyn Avenue NE.

3. *Zone Boundaries*

a. *In establishing boundaries the following elements shall be considered:*

(1) *Physical buffers as described in subsection E2 above;*

See discussion regarding physical buffers above.

(2) *Platted lot lines.*

The proposed rezone would follow platted lot lines and street centerlines.

b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

Development of the street-level retail use on the subject site is oriented to the primary commercial street, NE 50th Street. The residential entry is located off Brooklyn Avenue NE, which, although classified as a collector arterial, by current use and appearance, is primarily a residential street.

4. *In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The contract rezone proposes a height limit of 65. The entirety of the subject property lies within the University District Northwest Urban Center Village.

Conclusion: The proposal, as designed, is consistent with the zoning principles stated above: the zoning designation and project design incorporates a gradual transition between the higher allowed heights south of NE 50th Street. Since a mix of ground floor retail with residential uses located above is proposed, the project will serve to buffer the primarily residential uses to the north and northwest across the commercial arterial.

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. Factors to be examined include, but are not limited to, the following:

a. Housing, particularly low-income housing;

The proposal includes 60 new housing units on a site where triplex, multifamily housing currently exists. The proposal would displace the current triplex. Thus, impacts to housing are expected to be positive since it will increase the supply of housing within close proximity to the university and multi-modal transportation opportunities.

b. Public services;

There will be some increase in demand on public services from the proposed 60 residential units. Fire and police service needs may increase slightly due to the development of additional residential units.

c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;

The proposed rezone will allow six floors of residential units above retail/commercial at street level. The project would add some additional shading of the property immediately to the north and properties north and west of the subject site, but in general would not create appreciable negative environmental impacts to its neighbors.

d. Pedestrian Safety

The area is currently developed with sidewalks, street lights and crosswalks.

e. Manufacturing activity;

The current zoning does not allow for manufacturing activity; NC3-65 zoning would only allow for light manufacturing activity. No manufacturing activity is proposed as part of the subject contract rezone.

f. Employment activity;

New retail facilities will be developed as part of the proposal to replace existing uses, which may provide additional employment activities.

g. Character of areas recognized for architectural or historic value;

The building on site was not determined to have any historic value by the EIS prepared for the University District rezone which analyzed the impacts of rezoning the property to NC3-65. A SEPA "Appendix A" report was prepared for the building currently occupying the site and review by the Department of Neighborhoods has found the existing structure to have no architectural or historic value.

The former University Heights School, located directly across Brooklyn Avenue NE, is a designated City of Seattle Landmark, and as part of the SEPA process the Department of Neighborhoods will assess adjacency impacts of the proposed new construction on the subject site. None are expected.

h. Shoreline view, public access and recreation;

There are no shoreline views nor shoreline access or recreation uses from the subject site.

2. *Service capacities. Development which can reasonably be anticipated based on the proposed development shall not exceed the service capacities which can reasonably be anticipated in the area, including:*
 - a. *Street access to the area;*
 - b. *Street capacity in the area;*
 - c. *'Transit service'*
 - d. *Parking capacity*
 - e. *Utility and sewer capacity;*
 - f. *Shoreline navigation*

The first four categories of site capacity are addressed in the Traffic Analysis prepared by The Transpo Group for the project and referenced in the SEPA analysis that follows. The study demonstrates the adequacy of street access and capacity in the area, enumerates transit service and provides actual counts of parking availability (or unavailability) in the area. (The parking analysis completed for the project estimates a total peak parking demand of 11 vehicles for the proposed project, a demand that cannot be accommodated within the on-street supply based on a combination of existing demand and pipeline projects.) The additional development potential provided by the rezone is negligible in terms relative to transit availability and ridership in the project vicinity. A Water Availability Certificate (#20150812) has been approved for the proposed development, anticipating no issues of water or sewer availability. An application for permanent electrical services is being processed by Seattle City Light and the SCL area representative has indicated that the anticipated electrical demand of the proposed building does not exceed service capacities. "Shoreline navigation" is not a category applicable to this site.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but it is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant rezone and/or overlay designations in this chapter.

There are a number of changed circumstances in the area of the proposed rezone in response to which the City is proposing a legislative rezone. According to the City, the impetus for the legislative rezone (which proposes the same rezone as requested in this application) includes: the need to use limited land resources more efficiently, to add a greater concentration of residential density around light rail, and to increase height and density to achieve goals like affordable housing.

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

The site is not located in an overlay district.

- I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.*

The site is not located in or adjacent to a critical area.

J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix, a rezone shall be approved only if one of the following conditions are met:

The site and area are not located in a zone with an incentive zoning suffix.

The proposed legislative University District rezone contemplates that if a legislative rezone of the area is adopted by the City Council, incentive zoning provisions should apply. The nature of those provisions, or whether they would apply to this contract rezone, are not known at the present time.

Lowrise 3 (LR3) zone, function and locational criteria

A. Functions. The dual functions of the LR3 zone are to:

- 1. Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structure; and*
- 2. Accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay districts in order to establish multifamily neighborhoods of moderate scale and density.*

While the existing LR3 zoning would appear to satisfy the dual functions of a LR3 zone stated above, the proposed development would exceed the allowable and desirable development of the zone. The property is located at the intersection of Brooklyn Avenue NE, a collector arterial and NE 50th Street, a principal arterial. Brooklyn Avenue NE has a mix of smaller to moderate scale residential structures. NE 50th Street has some larger scale structures. As a busy arterial, leading to access to I-5, it is not entirely well-suited to at-grade residential development which is required by the LR3 zoning designation.

B. Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:

- 1. The area is either:*
 - a.. located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City Hub Urban Village, the Bitter Lake Hum Urban Village, and Admiral Residential Urban Village; or*
 - b. located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;*
- 2. The area is near neighborhood commercial zones with comparable height and scale;*

- 3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;*
- 4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;*
- 5. The area is well served by public transit;*
- 6. The area has direct access to arterial street that can accommodate anticipated vehicular circulation so that traffic is not required to use streets that pass through lower density residential zones;*
- 7. The area [is] well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

C. The LR3 zone is also appropriate in areas located in the Delridge High Point Neighborhood Revitalization Area....

This criterion is not applicable to the requested rezone as it is not located within the Delridge neighborhood.

D. Except as provided in this Subsection 23.34.020.D, properties designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominately developed to the intensity of the LR3 zone....

This criterion is not applicable to the subject property. The LR3 zoning does not apply to a property designated as environmentally critical.

In general, the site proposed for the contract rezone does meet the criteria, both functional and locational, of the existing LR3 zone. The property is located in an Urban Center and within an existing multifamily neighborhood. The neighborhood is characterized by a mix of highrise, midrise and lowrise residential development. The swath of LR3 zoning, two and a half blocks wide and stretching between NE 50th Street and NE 52nd Street, does provide a buffer and transition in scale between the NC3-65 zoning south across NE 50th Street, a major arterial, 60-foot in width, and the LR2 and single family zones north of NE 52nd Street. The area has direct access to major east/west arterials at NE 50th Street and NE 45th Street, both connecting to I-5, and major north/south arterials at Roosevelt Way NE, 11th and 15th Avenues NE, with north/south collector arterials at Brooklyn Avenue NE and University Way NE.

The area is well served by commercial businesses located on Ne 50th Street and Brooklyn Avenue NE to the south, as well as University Avenue NE, one block to the east. The area is also well served by public transit along both 50th Avenue NE and Brooklyn Avenue NE. Sound Transit's U District Station, approximately one quarter-mile south of the site, will provide light rail service south to SeaTac airport and north to Northgate Station, when operational beginning in 2021. The University Heights community center is located directly across Brooklyn Avenue NE. The University District branch of the Seattle Public Library lies three block due west of the subject property. A great variety of shopping opportunities is within walking distance. There is existing pedestrian access to all these facilities.

In sum, LR3 zoning is otherwise an appropriate zoning designation for the property and its immediate environs, but development within LR3 zoning parameters does not comport with the City's vision of increased density and mixed-use development within the area as specified in the

Future Land Use Map and articulated in the Comprehensive Plan. Nor does LR3 zoning allow for the development proposed by the applicant, which is for a seven story, mixed use structure with residential apartments above a street-level retail/commercial use.

SMC 23.34.072 - Designation of commercial zones.

- A. The encroachment of commercial development into residential areas shall be discouraged.
- B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.
- C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.
- D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.
- E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

While encroachment of commercial development into residential areas is to be discouraged, the proposed contract rezone matches recommended rezones by Seattle DCI as reflected in the Director's Report on the Mayor's Recommended U District Amendments to the Comprehensive Plan ("Director's Report" 2015). Working with the U District community between 2012 and 2015, the Department identified a variety of Comprehensive Plan elements needed to align with transit-oriented development and changing development trends as well as with neighborhood priorities. These elements were enacted as amendments to the Future Land Use Map and amended several policies and goals in the University Urban Center Plan, located in Section B-30 of the Neighborhood Planning Element of the Seattle Comprehensive Plan, originally adopted in 1994.

Specifically, the proposed changes would require certain alterations to the University Community Urban Center Village boundaries and a legislative rezone(s) that would change a number of multi-family residential areas (including the site of the subject contract rezone) to commercial/mixed-use areas.

SMC 23.34.078 – Neighborhood Commercial 3 (NC3) zones, function and locational criteria

- A. *Function. To support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved:*
 - 1. *A variety of sizes and types of retail and other commercial businesses at street level;*
 - 2. *Continuous storefronts or residences built to the front lot line;*
 - 3. *Intense pedestrian activity;*
 - 4. *Shoppers can drive to the area, but walk around from store to store;*
 - 5. *Transit is an important means of access.*

The area surrounding the proposed rezone site includes a variety of small-to-medium-sized businesses, including pharmacies, grocery stores, banks, bars, and other neighborhood businesses that are currently patronized by pedestrians that walk from business to business. The character of development includes storefronts built to the front lot line, as well as some businesses that are

embraced by surface parking lots. The area is generally pedestrian friendly and attractive to pedestrian activities.

The proposed project should add vibrancy to the pedestrian activity in the area, adding new residents to support current and new businesses. The project itself will add a small amount of street-level commercial space, consistent with the scale of the small-to-medium neighborhood businesses already along NE 50th Street and streets running perpendicular to the arterial. The retail space in the proposed structure will be built to the front and side lot lines. It will be continuous along NE 50th Street and turn the corner and extend a short distance north on Brooklyn Avenue NE. The area is easily accessible by car for non-residents of the neighborhood and well served by transit.

B. Locational Criteria. A neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:

- 1. The primary business district in an urban center or hub urban village;*
- 2. Served by principal arterial;*
- 3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more intense residential areas;*
- 4. Excellent transit service.*

The rezone site lies near the center of the large University District Urban Center, at a point where the more intense commercial district to the south transitions to a less intense commercial presence than that to the south and to a more intense residential area to the north. It sits on the north side of NE 50th Street, an arterial which, together with NE 45th Street, feeds a number of north/south feeder arterials while providing major east/west vehicular access to I-5. Transit service to and from, as well as within the U District, is possibly the best provided within the existing intra-urban network and due to see even greater improvement with the new light rail station under construction.

SMC 23.34.009 – Height limits of the proposed rezone

Where a decision to designate height limits in commercial or industrial zones is independent of the designation of the specific zone, in addition to general rezone criteria of Section 23.34.008, the following shall apply:

- A. Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.*

The contract rezone seeks to increase developable height limits of the LR3 zone to that allowed in a NC3-65 zone, to accommodate increased housing density and to allow for viable retail development on the ground floor of a mixed-use structure. These changes are consistent with the type and scale of development intended for the NC3-65 zone within Urban Centers. Specifically, the new development of commercial space and residential apartments will add to the vitality and desired pedestrian character of the University District Northwest Urban Center Village.

- B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.*

The immediate vicinity of the proposal site, located within an area historically identified as University Heights, is a relatively flat sheet of land, rising with modest perceptibility to the north and whose drainage, interrupted by a trough along 15th Avenue NE, is toward Lake Washington to the east and Lake Union on the south. The site sits on the north side of NE 50th Street at a low point where the arterial forms a saddle between the Wallingford neighborhood and the hillside that rises above Lake Washington. Current zoning directly across NE 50th Street is NC3-65, the zone designation proposed in the subject contract rezone. The NC3-65 zoning designation continues in a broad swath south to NE 47th Street where it conjoins NC3-85 zoning that extends further south to NE 43rd Street.

The proposal site and its neighbors enjoy only modest views. The only view opportunity in the area is of Mt. Rainier to the southeast. Because properties to the east and south are currently zoned for the contract-proposed or higher heights (65 feet, 85 feet), surrounding properties would generally not be subject to worse view blockage from the proposed 65-foot limit than would currently exist.

C. Height and Scale of the Area.

- 1. The height limits established by current zoning in the area shall be given consideration.*
- 2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.*

D. Compatibility with Surrounding Area.

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.*
- 2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008 D2, are present.*

The subject site and other lots bordering the north side of Brooklyn Avenue NE and as far west as the east side of Roosevelt Way NE, under the current zoning (LR3), have a maximum height limit of 40 feet, as do sites bordering them on the north. The existing buildings within this zone, however, generally do not extend to this maximum height.

Existing development in the area is not a good general measure of the area's overall development potential as there remains sufficient additional capacity for more retail and residential development. The goals and policies that apply to Northwest University District Urban Center Village would appear to be better met by the re-development of the area into a mixed-use, commercial/residential element of the Urban Center Village. Changing the height designation to 65-feet creates a symmetry of zoning on either side of the major arterial (NE 50th Street).

E. Neighborhood Plans.

- 1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.*
- 2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.*

There are no specific discussions of applicable height limits in the University Community Urban Center (UCUC) neighborhood plan adopted by the Council in 1998.

SUMMARY

The subject site generally meets the functional and locational criteria of the currently designated LR3 zone. The proposed contract rezone is likewise consistent with the applicable policies and goals of the Comprehensive Plan. The proposed height of 65 feet is condign with the recommended heights of the 23rd Avenue Action Plan. The siting and design of the proposed development on the site, which comprise the material element of the contract rezone and has been vetted through the Design Review process, provides for a transition from the densities, allowable volumes and scale of a NC3-65 zone to the proposed multifamily zoning and development to the north and northwest of the site.

DIRECTOR'S RECOMMENDATION – CONTRACT REZONE

Based upon the above analysis, a weighing and balancing of the provisions of SMC 23.34, the Director recommends that the proposed Contract Rezone from LR3 to NC3-65 be **CONDITIONALLY APPROVED**, subject to a Property Use and Development Agreement (PUDA) that limits the structure to be erected on site to the design recommended for approval by the Design Review Board and documented in the approved Plans for MUP#3019997.

DESIGN REVIEW-ANALYSIS

FIRST EARLY DESIGN GUIDANCE June 29, 2015

The packet includes materials presented at the meeting, and is available online by entering the project number (3019997) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The packet is also available to view in the file, by contacting the Public Resource Center at Seattle DCI:

Mailing Public Resource Center
Address: 700 Fifth Ave., Suite 2000
 P.O. Box 34019
 Seattle, WA 98124-4019

Email: PRC@seattle.gov

DESIGN DEVELOPMENT

The design team presented 3 schemes, two of which did not retain the European beech tree. Scheme “A” provided a primary pedestrian residential entry at the southwest corner of the property from NE 50th Street and adjacent the alley. It would also provide nearly 1,500 square feet of retail space on the ground floor, aligned with both NE 50th and Brooklyn Avenue NE. Six upper floors of residential uses would yield 60 total efficiency units. Scheme “B” would align the retail along NE 50th Street, providing slightly more than 1,700 square feet, and a reduced number of residential units on the six upper floors.

Like Scheme “B,” scheme “C,” the preferred solution, arrayed the retail space (approximately 1,500 square feet) along the NE 50th Street frontage, providing for an entry at the southeast corner of the site. A residential entry was located just to the north of the retail space, off NE Brooklyn Avenue. The distinctive part of this scheme was the sizable niche at the northeast portion of the site given over to the European beech tree. Since the provision for the keeping of the tree would mandate a setback of nearly 30 feet along one third of the north property line, the applicants would seek a departure from the required setback above 13 feet in height along the remaining two-thirds of the north property line. Scheme #3 would require a departure, from SMC 23.47A.014.B.3. (See “Development Standard Departures,” below, p.8).

Erecting such a structure would require a contract rezone, and the proposals were designed and presented as if the site had already been rezoned to NC3-65. The site, the applicants explained at the public meeting, is within a larger area planned for a legislative rezone from LR3 to NC3-65. The applicants are applying for a contract rezone to the same zoning designation.

A challenge to the proposed development of the site, in addition to the need for the contract rezone of the property, was the presence on the site of a large European beech tree, a tree designated by the City of Seattle as an “Exceptional Tree.” With the preferred scheme the developer intends to protect and maintain the tree which is located near the northeast corner of the property. The presence of the tree and the desire to allow it to remain as located severely limited the opportunities for variable siting and differentiated massing of the proposed structure on site.

The commercial street-level use was aligned with the major commercial street, NE 50th Street, with a recessed retail entry at the southeast corner and the residential entry further north on Brooklyn Avenue NE. An external, open stairway provided access to the residential units above. This design scheme provided a prominent southerly edge to the building along NE 50th Street and a tree-filled plaza within the notch provided for the tree at the northeast corner of the site.

PUBLIC COMMENT

The owner of the three-story, ten unit apartment just to the north of the development site presented a written request signed by himself and each of his tenants not to save the tree and to provide the setback required by the present zoning for the northern wall of the proposed new building. The zero setback, proposed, it was maintained, would diminish sunlight available to the northern neighbor. Already, it was maintained, the large tree prevented sunlight from reaching the neighboring structure in spring and summer, and the leaves in fall were messy and presented an unsafe condition underfoot in winter when it was wet.

Another member of the public questioned the wisdom of providing no parking for tenants.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members identified the following areas of focus for their deliberations: the courtyard with tree and stair; the retail space and building entries; the overall massing and exterior design; and the departure request, of providing no setback as required from the adjacent residential zone.

Tree, courtyard and stair:

The Board agreed that saving the exceptional tree, despite the demur of the immediate neighbors to the north, was the right move for the project. In addition to values inherent in saving a large tree specimen in this urban setting, site planning allowed for a large green area adjacent to the structure to the north and opened up possibilities for a striking residential entry with an open stair that could play off the tree in a creative way.

The retail space:

The retail entry at the corner of Brooklyn Avenue NE and NE 50th Street seemed the proper arrangement, although the exact relationship between retail and residential entries would require additional thought and attention to detail, as would the relationship between the exterior open circulation stair and residential entry sequence.

Massing and structural articulation:

The Board was intrigued in the presentation by the conceptual suggestion of the massing as “a stack of books” and were eager to see how that would be worked out in the preferred scheme. They encouraged the design team and developer to allow themselves to be bold in pursuing and developing that concept. The integration of the courtyard stair with both tree and stacked books concept could result, they ventured, in a design at once playful and elegant.

Departure Request:

If the development site were to be re-zoned to NC3-65 as a contract rezone, and the property to the north remain zoned LR3, SMC 23.457A.014.B.3 would be in play, requiring a setback of 15 feet for portions of the structure above 13 feet and up to 40 feet in height. An additional setback of 2 feet for every 10 feet of additional height (for a total setback of 21 feet at the 65 foot line) would be required by the Land Use Code. As pointed out by the design team, preserving the exceptional tree and maintaining a proper root zone for the tree would mean a setback of approximately 27.5 feet from the north property line along a third of the (25 feet in distance) proposed structure’s north façade.

While sympathetic to the loss of developable space due to the tree’s retention, the Board indicated a strong desire for the design team and developer to study and explore modulation and setback combinations that would allow for both increased fenestration along that north face of the proposed building and a friendlier aspect presented to the north. Although the setback may not be required were a legislative rezone designating both properties as commercial sites to be enacted, even in that instance a friendlier aspect and countenance to that portion of the north façade might well be in order as a dictate of better design. The Board’s approval of the

requested departure, at any rate, must await their approval of the overall design at the Recommendation Meeting.

DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines identified by the Board as Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the [Design Review website](#).

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-D Plants and Habitat

CS1-D-1. On-Site Features: Incorporate on-site natural habitats and landscape elements into project design and connect those features to existing networks of open spaces and natural habitats wherever possible. Consider relocating significant trees and vegetation if retention is not feasible.

University Supplemental Guidance:

CS1-II Landscape Design to Address Special Site Conditions

CS1-II-i. Existing Trees: Retain existing large trees wherever possible. This is especially important on the wooded slopes in the Ravenna Urban Village. The Board is encouraged to consider design departures that allow retention of significant trees. Where a tree is unavoidably removed, it should be replaced with another tree of appropriate species, 2 ½ inch caliper minimum size for deciduous trees, or minimum size of 4' height for evergreen trees.

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

University Supplemental Guidance:

CS2-III Corner Lots

CS2-III-i. Special Site Features: For new buildings located on a corner, including, but not limited to the corner locations identified in Map 3 of the full Guidelines, consider providing special building elements distinguishable from the rest of the building such as a tower, corner articulation or bay windows. Consider a special site feature such as diagonal orientation and entry, a sculpture, a courtyard, or other device. Corner entries should be set back to allow pedestrian flow and good visibility at the intersection.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-B Walkways and Connections

PL1-B-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

PL2-C-3. People-Friendly Spaces: Create an artful and people-friendly space beneath building.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-B Planning Ahead for Bicyclists

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

DESIGN CONCEPT

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-C Secondary Architectural Features

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DEVELOPMENT STANDARD DEPARTURES

The following Departure from development standards was requested:

SMC 23.47A.014.B.3 (Setbacks): The Code requires a setback of 15 feet from rear lot line above 13 feet up to 40 feet, and an additional 2 feet for each 10 foot increment above 40 feet. The applicant proposes no setback of the structure along a major portion of the north façade.

As indicated in the discussion above (see pages 4 and 5), the Board wanted the design team and developer to study and explore alternatives which would provide a combination of setbacks and modulation along the north façade abutting the north property line that would allow for increased light and ventilation into the proposed structure while providing a transition in height, bulk and scale to the property north of the development site (as called for in Guidelines CS2-D-1, CS2-D-3, DC2-A-2, DC2-B-1, and DC2-C-3). Approval of the requested departure, as requested or modified, would be addressed at the Recommendation Meeting in response to successful design development.

BOARD DIRECTION

At the conclusion of the EARLY DESIGN GUIDANCE meeting, the Board recommended that the applicant move forward to MUP application. At the Recommendation Meeting the Board would expect to see clear responses to the issues stated above, and :

- Pursue the overall massing indicated in Scheme #3
- Further explore and mine the “stacked book “motif for inspiration .
- Develop the interplay of the stair structure and the exceptional tree in the courtyard
- While the Board is open to a massing shift that pushes out the bulk of the structure outside the tree court area toward the north property line, they would like to see evidence of a serious exploration of a better perceived transition in height, bulk and scale at the north property line.

RECOMMENDATION MEETING: February 8, 2016

DESIGN DEVELOPMENT

The packet includes materials presented at the meeting, and is available online by entering the project number at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp

The design team presented their responses to the guidance given by the Board at the Early Design Guidance meeting held on June 29, 2015.

Design Development

The proposal, identified by the applicant as “The Stax,” was for a seven-story mixed-use building with ground floor retail, residential entry, amenity, bike-storage and service areas, overlaid with six floors of efficiency residential units, with ten units per floor..

Responses to Board’s Guidance

(See the “Priorities & Responses,” summarized on page 11 of applicant’s packet prepared for the February 8, 2016 meeting.) The 70-foot tall “exceptional” European Beech tree is to be retained on site, with an L-shaped building configuration allowing for adequate space for the tree to thrive, but necessitating expansion of the north wall of the structure to the north property line. The retail space along NE 50th Street is accessed at the corner, while the residential entry is located mid-site on Brooklyn Avenue NE. The overall design embodies the stacked book concept both in its massing and floor line details where distinctive soffit materials accent the shifted floor plates. An open stair structure, connecting all the floors of the building, interfaces with the tree and the open space it partially fills. To protect the visual and acoustic privacy of the existing structure to the north, the proposed structure does not include any windows along its northwest edge, but would have a decorative surface treatment.

Public Comment

Two members of the public offered comments regarding the proposal and its impacts. The owner of the multiplex to the north questioned the desirability of keeping the exceptional tree on site, citing adverse impacts its retention would have on the availability of light and the potential for threats to human and property safety. He noted that he had no objection to the development itself but would like the Design Review Board to recommend removal of the tree to the Director of Seattle DCI and for the Director to approve such recommendation.

Departure(s)

1. Setback requirements abutting residential zones.

SMC 23.47A.014.B.4 requires that portions of the proposed structure above 13 feet in height be setback : 15 feet to a height of 40 feet, and an additional setback of 2 feet for every 10 feet by which the height of such a portion exceeds 40 feet in height.

2. SMC 23.47A.014.B.3 requires a setback of 15 feet above a height of 13 feet from the rear, alley lot line since the proposal is across an alley from a lot in a residential zone. Although one half of the abutting alley before the required alley dedication may be counted as part of the required setback, portions of the rear façade are within 12 feet and 10 feet of the centerline of the alley.
3. SMC 23.47A.014.B.5 requires that no entrance, window or other opening be permitted closer than 5 feet to an abutting residentially zoned lot. The proposal includes openings on the east façade that are within 3 feet of the adjacent residential property to the north.
4. SMC 23.47A.008.B.3 requires the ground floor retail depth to average 30 feet in depth and be a minimum of 15 feet in depth. The proposal, while having a 15'-4" minimum depth, averages 19'-4" in depth along NE 50th Street.

It was noted by the applicant that the first four departures would not be required if and when the proposed University District rezone legislation were enacted by the City Council.

The Board recommended approval of each of the departure requests by a vote of 3-0.

The Board applauded the efforts of the applicant team to maintaining the exceptional tree on site and commended the efforts to maintain and enhance the health and condition of the tree by adhering to an arborist's plan for care of the tree pre-construction, during all phases of construction, and post construction. The Board noted that their granting of development-standard departures for the proposal were closely linked to the applicant team's plans for maintaining the tree. The Board agreed with the applicant team that the principal amenity space for residents of the project should be on the roof, with but moderate disturbance of the courtyard surrounding the tree.

In approving the design and materials as presented at the meeting, the Board strongly noted the following guidance:

The concrete foundation wall at the southwest corner of the building should employ in its execution the wood-formed (cedar- shim-formed) finish as exemplified in the sample provided at the Recommendation Meeting.

It was important to maintain the staggered, "stacked book" look in the finished product. It should be obvious and readable. "Don't dumb it down or make it less readable!" and "Crank it

up a bit,” were the Board’s guidance. The prominence of the soffits was essential to this expression, as was even greater horizontal expression in the materials-joinery of the cladding. The introduction of greater range of tonality in the cladding was worth exploring. Eschew subtlety, should the temptation arise, -- was the Board’s final guidance.

Board’s Recommended Conditions

As conditions of their approval, the Board unanimously recommended the following conditions of their approval:

1. Provide notable differentiation between the floors to emphasize the stacked effect, through exploration of ways to choose and use materials and joinery to impart a greater sense of horizontality to the building’s composition.
2. Undertake a time sensitive, professional pruning program to ensure the health and well- being of the European Beech tree, prior to, during and after construction.

These conditions were to be verified by the land use planner and, where appropriate, were to be incorporated into the MUP plans prior to their issuance:

DIRECTOR’s ANALYSIS, DESIGN REVIEW

The three members of the East Design Review Board present at the February 8, 2016, meeting agreed unanimously that the proposed design had met the priority and general Design Review Guidelines previously identified by the Board for the project and recommended approval of the project and of the four requested departures from development standards. The Director accepts the recommendation of the Board from the February 8, 2016 meeting and **approves** the proposed design, together with the departures from development standards identified in this report.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated September 1, 2015. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic,

and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, construction impacts, traffic and parking impacts as well as mitigation.

Noise

Noise associated with construction of the mixed use building and future phases could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Limitations imposed by the Noise Ordinance are found to be adequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), no further mitigation is warranted.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the nearby residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of residential buildings.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the Seattle DCI Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the SCI building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

Some excavation to construct the mixed use structure will be necessary. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container)

be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. Future phases of construction will be subject to the same regulations. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Traffic and Parking

Construction of the mixed use structure is proposed to last several months. During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675 B and M). Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. The soil removed will not be reused on the site and will need to be disposed off-site. It is reasonable that truck traffic avoid the afternoon peak hours. A construction/ excavation plan will need to be submitted to SDOT for approval prior to commencement of excavation on site. No further mitigation is warranted. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and

location of this proposal, Greenhouse gas emissions, traffic, and parking impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. It has been estimated that the lifespan emissions (MTCO₂e) for the building will be 69,366. While these impacts are adverse, they are not expected to be significant.

Traffic and Transportation

A traffic impact analysis, dated August 25, 2015, has been prepared for this project by TranspoGroup. According to that analysis the proposed project would increase motor vehicle person trips by about 17 vehicle trips during the AM peak hour and 25 trips during the PM peak hour. The project associated trips are expected to add little or no delay to the study area intersections during the PM peak hour, with each study intersection to operate at Level of Service (LOS) C or better in the future with the proposed project. The analysis concludes that no off-site transportation mitigation is required to accommodate the proposed development.

Parking

There is no vehicle parking proposed as part of the proposed project. Parking is not required by the Seattle Municipal Code because the project is located within the University District Northwest Urban Village Center.

To account for the proposed development's urban location and close location to accessible and frequent transit service, the Traffic Impact study chose a conservative parking demand rate of 0.13 to 0.33 vehicles per unit, with weighted average of 0.19 vehicles per unit. For the proposed 60 residential units, the estimated residential parking demand is 11 vehicles. The proposed project is estimated to generate up to 15 new trips per the weekday PM peak hour. A concurrency analysis, based upon forecasted project trips, demonstrated that the project meets the v/c ratios at the pertinent screenlines as defined by the City of Seattle.

The parking analysis completed for the project showed that the estimated peak demand for the project cannot be accommodated within the on-street supply based on a combination of existing demand and future pipeline projects. The difficulty finding parking would likely drive down the vehicle ownership as well as result in residents and visitors parking further from the site, beyond the 1,200 feet on-street parking survey limits.

It was the study's contention that most practicable mitigation for possible off-site spillover parking demand during peak hours, if needed, would be the fact of limited parking contributing to the self-selection of potential residents for this site. Consistent with other recent residential projects in Seattle, the applicant of this project is proposing to mitigate the project's parking impact through Transportation Demand Management (TDM) strategies, such as bicycle amenities (e.g. secured on-site bicycle storage, and providing commuter information, including transit availability, car-to-go and share options in order to reduce reliance on personal vehicles.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are anticipated to be non-significant. The conditions imposed below are intended to mitigate construction impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

RECOMMENDED CONDITIONS-REZONE

The Director recommends **APPROVAL** of this request for a rezone from LR3 to NC3-65, subject to the following recommended conditions of the PUDA.

1. Future development in the rezone area shall be those improvements circumscribed by the approved uses, structures, landscaping and street improvements which, having undergone the Design Review Process, are set forth in the approved plan sets for MUP 3019997.

RECOMMENDED CONDITIONS – DESIGN REVIEW

None.

RECOMMENDED CONDITIONS – SEPA

None.

Michael Dorcy, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: June 27, 2016

MD:drm

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